

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND
(NORTHERN DIVISION)**

JAMAAL MCCALLISTER

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Plaintiff,

*

v.

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Civil Action 1:21-cv-1639

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**CITIMOTGAGE, INC., as Successor in
Interest by Merger to CITIFINANCIAL
MORTGAGE CO., Inc., et al.,**

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Defendants.

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MOTION FOR LEAVE TO AMEND

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff, Jamaal McCallister, by and through his attorneys, Matthew B. Thompson and the Law Offices of Evan K. Thalenberg, P.A., respectfully move the Court for leave to enter the attached First Amended Complaint and Request for Jury Trial and in support, states the following:

Rule 15 provides that “a party may amend its pleading [with] the court’s leave” and that “[t]he court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). Plaintiff moves to file his First Amended Complaint only days following removal of this action from the Circuit Court of Baltimore City and prior to the issuing of any scheduling Order by this Court. Allowing Plaintiff to file his First Amended Complaint would serve justice and promote judicial efficiency. Further, there would be no substantial or undue prejudice, bad faith, undue delay, or futility.

Through Plaintiff’s First Amended Complaint, Plaintiff seeks to properly reinstate his claims against Defendant Walter Johnson who was previously dismissed without prejudice in the state court action on June 7, 2021. The reinstatement of claims against Defendant Walter

Johnson falls within the relevant statute of limitations as well as in conformance with the provisions of the tolling agreement contained within the Stipulation of Dismissal filed by Plaintiff and Defendants Walter Johnson and Patricia Jones Johnson (see Exhibit 1).

For all these reasons, and those stated in the attached Memorandum in Support, Plaintiff respectfully requests the Court to grant Plaintiff leave to file the attached First Amended Complaint and Request for Jury Trial.

Respectfully submitted,

The Law Offices of Evan K. Thalenberg, P.A.

By: Matthew B. Thompson
Matthew B. Thompson (Bar. No.: 20552)
216 E. Lexington Street
Baltimore, Maryland 21202
410-625-9100 (p)
410-625-9200 (f)
mthompson@ektlaw.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 22nd day of July 2021, a copy of the foregoing Motion For Leave to Amend, Memorandum in Support, and Plaintiff's First Amended Complaint and Election for Jury Trial were served, via first class mail, postage prepaid upon each of the following:

Ella J. Robinson
502 N. Independence Avenue, Apt. 10
Independence, Virginia 24348

William Parler, Esquire
The Law Offices of William C. Parler, Jr., LLC
311 Gailridge Road
Timonium Maryland 21093

Virginia W. Barnhart
Sarah E. Meyer
Treanor Pope & Hughes, P.A.
500 York Road
Towson, Maryland 21204

and via CM/ECF upon attorneys Sarah E. Meyer and Virginia W. Barnhart.

By: /s/ Matthew B. Thompson
Matthew B. Thompson (Bar No.: 20552)